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10/045,718	10/19/2001	Dennis E. Smith	83091CPK	9699

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EXAMINER

SHANLEY, DANIEL G

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,718

Applicant(s)

SMITH ET AL.

Examiner

Daniel G. Shanley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-17 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 6-7 and 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1) Claims 1-5, 8-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winston in view of Nishimoto (EP 1 104 778 A2).

Winston discloses a blast media containing abrasive particles for removing adherent material such as paint, scale, dirt, grease and the like from a substrate. Moreover, the media includes a surfactant to lower the surface tension of the water droplets containing dissolved media and attached to the substrate causing the droplets to be readily washed from the surface before the solubilized media can dry. Thus, the surfactant acts as an antistatic agent and facilitates removal of contaminants. Therefore the rinsing and deterative effects of the media are improved and the material removed is discarded expeditiously.

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Next, in the description of the prior art in column #2 lines 25-46, Winston explains how a pressurized/compressed fluid (water, air, or a combination) can be used for projecting the media against a substrate for removal and later used to rinse the substrate.

Lastly, Winston discloses the use of a sodium bicarbonate blast media. Winston fails to disclose a media having a polymeric core and a shell of inorganic particles. Nishimoto discloses such a water-soluble cross-linked polymer for polishing a substrate. Therefore, it would have been obvious to one having ordinary skill in the abrading arts to substitute the sodium bicarbonate media used by Winston, with the blast media used by Nishimoto containing a polymeric core and a inorganic shell, since Nishimoto teaches that such is desirable for preventing residue buildup during production.

2) Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winston, as applied to claims 1-5, 8-12 and 14-16 above, and further in view of Woodson 788'.

Winston, as modified above, discloses all of the limitations of the invention except for the use of an inert gas. Woodson discloses the use of nitrogen as a pressurized gas. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Winston and included a pressurized inert gas such as nitrogen, since Woodson teaches that such may be a desirable modification for reducing the moisture content of the compressed air.

3) Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Winston, as applied to claims 1-5, 8-12 and 14-16 above, and further in view of Tsai.

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Winston, as modified above, discloses all of the limitations of the invention except for the use of a colloidal silica abrasive. Tsai discloses the use of a colloidal silica abrasive. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Winston and included inorganic materials containing colloidal silica, since Tsai teaches in column 4 that the magnetic properties of colloidal silica make it useful for increasing polishing rates.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arola, and Tanaka disclose abrasive media systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. Shanley whose telephone number is 703-305-0306. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Daniel Shanley
Patent Examiner
AU 3723

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DGS

December 27, 2003